

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

THE PARKWAY HOSPITAL, INC.,

Debtor.

Case No. 05-14876 (PCB)

Chapter 11

**APPELLANT’S STATEMENT OF ISSUES AND DESIGNATION OF ITEMS TO BE  
INCLUDED IN RECORD ON APPEAL**

Forest Hills Hyperbaric, LLC d/b/a The Center for Wound Healing (“Forest Hills”), by and through its undersigned counsel, having filed a Notice of Appeal on April 11, 2008, hereby submits the following statement of issues to be presented on appeal and designation of items to be included in the record on appeal in respect of the Order (I) Approving Fee Applications of (A) DLA Piper US LLP; (B) Klestadt & Winters, LLP (C) BDO Seidman, LLP; (D) Alston & Bird, LLP; and (E) J.H. Cohen [sic] LLP and (II) Authorizing and Directing the Wilmington Trust Company to Pay y [sic] Allowed Unpaid Fees and Expenses (the “Order”) (Docket No. 669) entered on April 1, 2008.

**STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL**

1. WHETHER THE BANKRUPTCY COURT ERRED IN AUTHORIZING PAYMENT OF PROFESSIONAL FEES, INCLUDING PAYMENT FROM THE DEBTOR’S EXIT FINANCING WITHOUT EVIDENCE TO ESTABLISH THAT THE DEBTOR MAINTAINED SUFFICIENT FUNDS FROM THE SOURCES PROVIDED FOR UNDER THE CONFIRMATION ORDER DATED JULY 31, 2007, INCLUDING THE EXIT FINANCING, TO PAY FOREST HILLS HYPERBARIC, LLC’S ASSERTED ADMINISTRATIVE CLAIM.

2. WHETHER THE BANKRUPTCY COURT ERRED IN AUTHORIZING PAYMENT OF PROFESSIONAL FEES FROM THE EXIT FINANCING WITHOUT ESTABLISHING A RESERVE TO PAY ADMINISTRATIVE CLAIMS INCLUDING FOREST HILLS

HYPERBARIC'S ASSERTED ADMINISTRATIVE CLAIM OR MAKING A DETERMINATION AS TO WHETHER THE DEBTOR WAS ADMINISTRATIVELY SOLVENT?

**DESIGNATION OF ITEMS TO BE INCLUDED IN RECORD ON APPEAL**

<b><u>Court</u></b>	<b><u>Case or Index No.</u></b>	<b><u>Docket No.</u></b>	<b><u>Description</u></b>
Bankruptcy	05-14876	546	Findings of Fact, Conclusions of Law and Order Confirming the First Amended Plan of Reorganization of the Parkway Hospital Inc. Dated April 17, 2007 and Granting Related Relief
Bankruptcy	05-14876	591	Motion to Compel Compliance With Confirmation Order and Discovery Sanctions and Related Relief
Bankruptcy	05-14876	593	Letter Exhibit Index (and Exhibits)
Bankruptcy	05-14876	599	Objection to Motion of Forest Hills Hyperbaric, LLC for Entry of an Order (a) Striking Debtor's Limited Objection; (b) Granting Forest Hills Hyperbaric's Motion for Immediate Payment of Administrative Expense Claim and Other Relief; (c) Compelling Debtor to Comply With the Confirmation Order and Provide Certain Reports; or in the Alternative (d) Compelling the Debtor to Respond to Discovery; (e) Striking the Portion of Debtor's Objection That Relates to the Medicare Credit; and (f) Compelling the Debtor to Pay the Costs Incurred in Bringing the Motion
Bankruptcy	05-14876	603	Response to Motion
Bankruptcy	05-14876	641	Motion to Compel Motion of Forest Hills Hyperbaric, LLC for Entry of Order Compelling Compliance with Confirmation Order, for Accounting, and Related Relief

Bankruptcy	05-14876	642	Application for Final Professional Compensation /Second and Final Application of Alston & Bird LLP for Final Allowance of Fees and Reimbursement of Expenses as Counsel for the Official Committee of Unsecured Creditors for (I) The Period August 1, 2006 through February 29, 2008 and (II) The Period March 16, 2006 through July 31, 2006
Bankruptcy	05-14876	643	Application for Final Professional Compensation for Klestadt & Winters, LLP, Debtor's Attorney, period: 7/1/2005 to 2/29/2008, fee: \$117,789.75, expenses \$4,360.11
Bankruptcy	05-14876	647	Application for Final Professional Compensation for BDO Seidman, LLP, Accountant, period: 8/1/2006 to 2/29/2008, fee:\$1088091.00, expenses: \$1137.10
Bankruptcy	05-14876	648	Application for Final Professional Compensation for DLA Piper US LLP, Debtor's Attorney, period: 7/1/2005 to 2/29/2008, fee:\$3,544,241.35, expenses: \$120,110.35
Bankruptcy	05-14876	652	Application for Final Professional Compensation for J.H. Cohn LLP, Accountant, period: 7/25/2005 to 2/29/2008, fee:\$956,290.00, expenses: \$9,418.99
Bankruptcy	05-14876	655	Objection to Motion Objection of Forest Hills Hyperbaric, LLC to Final Applications for Compensation and Expenses of Estate Professionals
Bankruptcy	05-14876	656	Objection to Motion re: Final Applications for Professional Compensation

Bankruptcy	05-14876	658	Motion to Compel Supplement to Motion of Forest Hills Hyperbaric, LLC for Entry of Order Compelling Compliance with Discovery, and Related Relief
Bankruptcy	05-14876	659	Response/ Debtor's Omnibus Reply to Objections of 1199SEIU and Forest Hills Hyperbaric, LLC to the Final Applications for Compensation and Expenses of Estate Professionals
Bankruptcy	05-14876	662	Response/ Debtor's Reply to Supplement to Motion of Forest Hills Hyperbaric, LLC for Entry of Order Compelling Compliance with Discovery and Related Relief
Bankruptcy	05-14876	669	Order signed on 3/28/2008 Granting Re: Final Professional Compensation and Reimbursement of Expenses (Related Doc # [642])for Alston & Bird, LLP, fees awarded: \$93595.38, expense awarded: \$148.60, (Related Doc # [643])for Klestadt & Winters, LLP, fees awarded: \$57486.35, expense awarded: \$4056.56, (Related Doc # [647])for BDO Seidman, LLP, fees awarded: \$301,416.90, expense awarded: \$1,137.10, (Related Doc # [648])for DLA Piper US LLP, fees awarded: \$1,065,892.80, expense awarded: \$24,632.28, (Related Doc # [652])for J.H. Cohn LLP, fees awarded: \$184,950.48, expense awarded: \$115.78
Bankruptcy	05-14876	675	Notice of Appeal of Order (I) Approving Fee Applications of (A) DLA Piper US LLP; (B) Klestadt & Winters, LLP (C) BDO Seidman, LLP; (D) Alston & Bird, LLP; and (E) J.H. Cohen [sic] LLP and (II) Authorizing and Directing the Wilmington Trust Company to Pay y [sic] Allowed Unpaid Fees and Expenses

The transcript of the hearing preceding the Order which is the subject of this appeal has been ordered.

Forest Hills respectfully reserves its rights to supplement and amend the items designated herein.

Dated: New York, New York  
April 21, 2008

**BAKER & HOSTETLER LLP**

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